

REMARKS

The present Amendment is in response to the Office Action dated October 28, 2004 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by January 28, 2005.

In the Office Action, the Examiner has rejected claims 1, 3, 6, 15-19, 23, 31, 33-41, 43 & 46 over the art but has stated that that claims 4, 5, 7-14, 20-22, 24-30, 32, 42, 44 & 45 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. At the outset, the Examiner will please note that minor typographical mistakes are corrected in various claims to make "micro phonic" and "there from" each one word rather than two. Applicant would also like to point out that dependent claim 23 is indicated on the cover page of the Office Action as being rejected, but it is noted that this claim 23 depends from claim 21 which has been indicated as allowable. Accordingly, Applicant presumes that it was the Examiner's intent to include claim 23 as being allowable. Clarification on this would be appreciated.

Also by this response, the Examiner will please note that claim 1 has been amended to include recitations from dependent claim 4 which has been indicated as allowable. As such, claim 4 is canceled and the dependency of claim 5 is amended. Also presently amended is independent claim 17 which now includes features from allowable claim 20, now canceled. The dependency of claim 21 is also changed to reflect the amendment to independent claim 17.

Since the Examiner has also indicated that claim 32 is allowable, its independent claim 31 is appropriately amended to now state that the gas sensor and the pump are each supported within the instrument housing; as such, dependent

claim 32 is canceled. Independent method claim 39 is amended to now include features from claims 41 and 42 which, themselves, are canceled. Claim 43 has its dependency changed from 41 to 39. Finally, the Examiner will see that new method claims 47-49 are added. Independent claim 47 corresponds to dependent claim 44 (indicated as allowable) written in independent form, while claims 48 and 49 depend therefrom and recite the same features as original claims 45 and 46. It should be noted that the various changes to the claims noted above and reflected on the attached claims listing should not be construed as a concession of the merits of the Examiner's rejection, but rather as an attempt to expedite allowance of the present application.

Based on the foregoing, No additional claims fees are believed to be payable upon the Amendment. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940.

Based on the foregoing, Applicant submits that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

Respectfully submitted,

TIMOTHY J. MARTIN, P.C.

By: 

Timothy J. Martin, #28,640
Michael R. Henson, #39,222
Rebecca A. Gegick, #51,724
9250 West 5th Avenue, Suite 200
Lakewood, Colorado 80226
(303) 232-3388